

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STEWART GITTENS, JR.,
Plaintiff,

Index No. : 07 CIV 9871

-against-

AFFIDAVIT OF SERVICE

THE CITY OF NEW YORK, et al.,
Defendants.


State of New York)
) ss.:
County of New York)

Luis R. Ayala, being duly sworn, deposes and says that the deponent is not a party to this action, is over the age of eighteen years, is an independent process server (license number 1024905), and resides in the State of New Jersey:

(1) That on the 19th day of December 2007 6:45 p.m., deponent served a Summons and Complaint in the above-captioned matter upon defendant Kenneth Fischer at his place of employment, NYPD, 47th Precinct, 4111 Laconia Ave., Bronx, NY 10466. The documents were received by a Police Officer with black hair and glasses, approximately 25 years old, 5'6" tall, 165 pounds. A police officer by the name of Padilla witnessed the service.

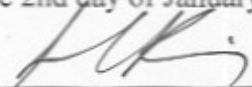
(2) That on the 2nd day of January 2008, deponent mailed a true copy of the Summons and Complaint to defendant Kenneth Fischer to the same address where he was served. The envelope was marked "Personal and Confidential" and without any indication that communication was from an attorney or concerned any action against the defendant. The

envelope was placed in a U.S. mailbox at the post office located at 6th Ave. and 23rd St., New York, NY.



Luis R. Ayala
158 Carteret St., Glen Ridge, NJ 07028

Sworn to and Subscribed Before Me
the 2nd day of January 2008



Notary Public

SUSAN C. BAILEY
NOTARY PUBLIC-STATE OF NEW YORK
No. 01BA6121503
Qualified in New York County
Commission Expires January 18, 2009

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

STEWART GITTENS, JR.

SUMMONS IN A CIVIL ACTION

V.

THE CITY OF NEW YORK, et al.

CASE NUMBER:

07 CIV 9871

JUDGE SWEET

TO: (Name and address of Defendant)

Kenneth Fischer
1278 Sedgewick Avenue
Bronx, New York 10452

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Michael L. Spiegel
111 Broadway, Suite 1305
New York, NY 10006

an answer to the complaint which is served on you with this summons, within twenty days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

NOV 07 2007

CLERK

Manos Quintero

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	
NAME OF SERVER (PRINT)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"><input type="checkbox"/> Served personally upon the defendant. Place where served:</div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: </div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Returned unexecuted:</div> <div><input type="checkbox"/> Other (specify):</div>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____</p> <div style="display: flex; justify-content: space-between; width: 80%; margin-left: 10%;"> <div style="text-align: center;">Date</div> <div style="text-align: center;">Signature of Server</div> </div> <div style="text-align: center; margin-top: 20px;"> _____ Address of Server </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.